

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL ACTION NO. 06-514
	:	
v.	:	CIVIL ACTION NO. 24-1805
	:	
DAVID TOOMER	:	

ORDER

AND NOW, this 23rd day of May, 2024, upon consideration of Movant David Toomer's pro se Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence and the record in this case, and for the reasons set forth in the accompanying Memorandum, it is ORDERED the Motion (Document 54) is DISMISSED. The dismissal is without prejudice to Toomer's right to seek modification of any payment schedule under 18 U.S.C. § 3664(k).¹ Because Toomer has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue.

The Clerk of Court is directed to mark the above-captioned cases CLOSED.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, J.

¹ Section 3664(k) provides, in relevant part, that, upon being notified of a "material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution," a court may, "on its own motion, or the motion of any party, . . . adjust the payment schedule, or require immediate payment in full, as the interests of justice require."